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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,654	07/15/2004	Motonobu Yoshimura	F-8290	5123
28107	7590	03/13/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/501,654	Applicant(s) YOSHIMURA ET AL.	
	Examiner Daniel C. Crane	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 2,3,5 and 9 is/are allowed.
 6) ☒ Claim(s) 1, 4, 6-8, 10-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not explicitly state that the torsion bar is made from steel material of a solid, non-hollow shape in the longitudinal direction. Accordingly, applicant is incorporating new matter into the claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 15 refer to a “torsion bar according to claim 1” or a “torsion bar according to claim 7”, respectively, however no torsion bar, per se, is being claimed in claims 1 or claim 7. Accordingly, the claimed subject matter is indefinite because no antecedence for the torsion bar is provided and the method claims of claims 1 and 7 do not claim a “torsion bar” rendering the scope of the subject matter of claims 14 and 15 indeterminate.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1, 4, 6, 7, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Beringer (2,741,833). See the Figure 9 and 10 and column 3, lines 11-32 for the embodiment where a steel workpiece 29 (see column 1, lines 30-35) is cold drawn through a die (see column 2, lines 54-65) to reduce an area of the workpiece followed by a step of cutting (machining) the midway area of the steel material (see column 3, lines 26-29). As shown in Figure 10, the phantom lines show the machined workpiece 29 to have a reduced diameter at a midway portion between the ends of the workpiece. Since the workpiece is heat treated (see column 3, lines 26-29), “blueing” will be involved in the shaping operation. With respect to claim 7, the completed product is shown to be a “torsion bar” in that the workpiece 29 is “used in many arts” and may “constitute a part of the mechanism of an automotive vehicle” (see column 2, lines 31-35), thus, establishing a bar like component that will be torsionally impacted. As to claims 12 and 13, see Figure 10 where after the drawing step, the workpiece 29 is shown to have a uniform outer diameter.

Claims 7, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Imura (GB 2,240,059). The finished product is shown by Imura in that the torsion bar 1 is provided with joint portions at both ends of the bar and a reduced portion there between and having a heightened hardness. See Table 1 for the Vickers hardness, which falls within the claimed range. How the product is made is of little consequence when the completed product is shown by the prior art. Since Yoshihito’s torsion bar is for power steering devices, it is clearly evident to the

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skilled artisan within this art that the torsion bar is connected between the power steering box and the steering mechanism of the vehicle.

RESPONSE TO APPLICANT'S COMMENTS

Applicant's response has been carefully considered. Applicant points out that the claims 1 and 7 are directed to a "torsion bar". Since Beringer's invention is drawn to a tube, the tube can function as a "torsion" part, whether or not it is actually used torsional manner. Since it is a tube and twisting can be applied to the tube, it constitutes a "torsion bar". Note that torsion bars can be hollow (see Langa – 5,520,376) or may be solid. Furthermore, since Beringer's tube is used as a part of a mechanism of an automotive vehicle, it is clearly evident that the part will be impacted torsionally.

Applicant's claimed feature where the hardness of the "entire steel material" is heightened is a broad recitation and is descriptive any entire section of the formed tube/bar being treated. There is no nexus between the drawing its entire length to the hardening of the entire length. So the term "entire" can relate to sections of the tube, portions of the tube, areas of the tube, etc.

As to the applicability of Imura against claims 7 and 8, this is considered tenable. Applicant argues that the entire bar is not hardened. This is not so. Note that claim 1 refers to cold drawing of the steel on various sections of the bar while claim 5, which depends from claim 1, makes evident that the process of cold drawing hardens the steel bar. This taken in conjunction with the description of the disclosure where the bar 1 is cold drawn into a number of different sections as shown in Figure 1, is indicative of the fact that the entire sections being

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drawn are hardened. Accordingly, those sections that are drawn will all be hardened and each entire section will concurrently be hardened. As to claim 8, note that No. 6 of section P3 and P4 in Imura fall within the claimed Vickers Hardness range.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 2, 3, 5 and 9 are allowed.

FINAL OFFICE ACTION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4416**.

DCCrane
March 5, 2006



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725